

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

**APPELLEE STATE OF MICHIGAN'S DESIGNATION OF ITEMS  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellee, the State of Michigan, by and through the undersigned attorneys, submits the following designation of additional items to be included in the record on appeal in connection with Notice of Appeal filed by the Detroit Fire Fighters Association, the Detroit Police Officers Association, and the Detroit Police Command Officers Association [Dkt. #2137 and 2253] from the Court's Opinion Regarding Eligibility [Dkt. #1945] and Order for Relief Under Chapter 9 of the Bankruptcy Code [Dkt. #1946].

| <b>Design-<br/>ation</b> | <b>Docket<br/>#</b> | <b>Filing<br/>Date</b> | <b>Description</b>  |
|--------------------------|---------------------|------------------------|---|
| 1.                       | 1                   | 7/18/2013              | Chapter 9 Voluntary Petition  |
| 2.                       | 10                  | 7/18/2013              | Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code   |
| 3.                       | 11                  | 7/18/2013              | Declaration of Kevyn D. Orr in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code (Attachments: Exhibit A; Exhibit B; Exhibit C; Exhibit D; Exhibit E; Exhibit F; Exhibit G; Exhibit H; Exhibit I; Exhibit J; Exhibit K; Exhibit L) |
| 4.                       | 12                  | 7/18/2013              | Declaration of Gaurav Malhotra in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code  |
| 5.                       | 13                  | 7/18/013               | Declaration of Charles M. Moore in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code   |
| 6.                       | 14                  | 7/18/2013              | Memorandum in Support of Statement of Qualifications  |

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|    |     |           | Pursuant to Section 109(c) of the Bankruptcy Code   |
| 7. | 438 | 8/19/2013 | Objection To The City of Detroit's Eligibility To Obtain Relief Under Chapter 9 of the Bankruptcy Code filed by creditor Michigan Council 25 of The American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees (Attachments: Affidavit/Declaration of Steven Kreisberg; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12; Exhibit A; Exhibit B; Exhibit C) |
| 8. | 453 | 8/19/2013 | Notice of Constitutional Challenge to Statute Pursuant to Rule 9005.1 of the Federal Rules of Bankruptcy Procedure filed by creditor Michigan Council 25 of The American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees  |
| 9. | 481 | 8/19/2013 | Attorney General Bill Schuette's Statement Regarding the Michigan Constitution and the Bankruptcy of the City of Detroit  |

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| 10. | 484 | 8/19/2013 | Joinder of Local 324, International Union of Operating Engineers as interested party to Objections to Detroit's Eligibility for Relief Under Section 109(c) and 921(c) of the Bankruptcy Code   |
| 11. | 486 | 8/19/2013 | Joinder of Local 517M, Service Employees International Union as interested party to Objections to Detroit's Eligibility for Relief Under Sections 109(c) and 921(c) of the Bankruptcy Code  |
| 12. | 495 | 8/19/2013 | Objection to Eligibility to Chapter 9 Petition filed by creditor David Sole (Attachments: Index of Exhibits; Exhibit 1; Exhibit 2)  |
| 13. | 497 | 8/19/2013 | Objection filed by interested party Detroit Retired City Employees Association, Shirley V. Lightsey, Retired Detroit Police and Fire Fighters Association, Donald Taylor, Creditors Shirley V. Lightsey, Donald Taylor (Attachments: Index of Exhibits; Exhibit A – Declaration of Shirley V. Lightsey in Support of Consolidated Objection of the Retiree Association Parties to Eligibility; Exhibit B – Declaration of Donald Taylor in Support of Consolidated Objection of the |

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|     |     |           | Retiree Association Parties to Eligibility)  |
| 14. | 502 | 8/19/2013 | Objection to Eligibility to Chapter 9 Petition filed by interested parties Detroit Retired City Employees Associations, Shirley V. Lightsey, Retired Detroit Police and Fire Fighters Association, Donald Taylor, Creditors Shirley V. Lightsey, Donald Taylor (Attachments: Index of Exhibits; Exhibit A – Declaration of Shirley V. Lightsey; Exhibit B – Declaration of Donald Taylor)                    |
| 15. | 504 | 8/19/2013 | Objection to Eligibility to Chapter 9 Petition filed by creditors Michael Wells, Janet Whitson, Mary Washington, Bruce Goldman and Robbie Lee Flowers  |
| 16. | 505 | 8/19/2013 | Corrected Objection to Eligibility to Chapter 9 Petition filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees (Attachments: Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12; Exhibit A; Exhibit B; Exhibit C) |

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| 17. | 506 | 8/19/2013 | Objection to Eligibility to Chapter 9 Petition Filed by creditor International Union, United Automobile, Aerospace and Agricultural Implement Workers of America   |
| 18. | 509 | 8/19/2103 | Corrected Objection to Eligibility to Chapter 9 Petition Kreisberg Declaration filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees (Attachments: Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12; Exhibit A; Exhibit B; Exhibit C) |
| 19. | 514 | 8/19/2013 | Objection by Interested Party Center for Community Justice and Advocacy to the City of Detroit's Eligibility to Obtain Relief Under Chapter 9 of the Bankruptcy Code and to the City of Detroit's Memorandum in Support of Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code (Attachments: Index of Exhibits; Exhibit Ingham County Circuit Court Order dated July 19, 2013; Exhibit States            |

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|     |     |           | Authorizing Chapter 9 Bankruptcy Filing)  |
| 20. | 517 | 8/19/2013 | Objection to Eligibility to Chapter 9 Petition filed by creditor Michigan Auto Recovery Service, Inc.   |
| 21. | 519 | 8/19/2013 | Objection of the Detroit Retirement Systems to the Eligibility of the City of Detroit, Michigan to Be a Debtor Under Chapter 9 of the Bankruptcy Code (Attachments: Exhibit List; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7-1; Exhibit 7-2) |
| 22. | 520 | 8/19/2013 | Objection to Eligibility to Chapter 9 Petition filed by creditor Retired Detroit Police Members Association   |
| 23. | 565 | 8/22/2013 | Objection to Chapter 9 Bankruptcy filed by creditors Carl Williams, Hassan Aleem  |
| 24. | 642 | 8/26/2013 | Order Regarding Eligibility Objections Notice of Hearings and Certifications Pursuant to 28 U.S.C. Section 2403(a) & (b)  |
| 25. | 756 | 9/6/2013  | Response to Eligibility Objections Raising Only Legal Issues filed by State of Michigan (Attachments: Exhibit 1; Exhibit 2)   |
| 26. | 805 | 9/10/2013 | Objection to Eligibility to Chapter 9 Petition of the City of Detroit,  |

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|     |      |            | Michigan to be a Debtor Under Chapter 9 of the Bankruptcy Code filed by Official Committee of Retirees  |
| 27. | 821  | 9/12/2013  | First Amended Order Regarding Eligibility Objections Notices of Hearings and Certifications Pursuant to 28 U.S.C. Sec. 2403(a) & (b)  |
| 28. | 918  | 9/17/2013  | City of Detroit's Reply to the Objection of the Official Committee of Retirees to the Entry of an Order for Relief  |
| 29. | 1085 | 10/4/2013  | Supplemental Response to Eligibility Objections Raising Only Legal Issues filed by interested party State of Michigan   |
| 30. | 1149 | 10/11/2013 | Memorandum in Support of Constitutionality of Title 11 of the United States Code filed by interested party United States of America   |
| 31. | 1159 | 10/11/2013 | Declaration of Michael Artz filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees |
| 32. | 1162 | 10/11/2013 | Declaration of Steven Kreisberg filed by creditor Michigan Council  |



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|     |      |            | 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees  |
| 33. | 1175 | 10/12/2013 | Declaration of Claude D. Montgomery in Support of Supplemental Objection filed by Official Committee of Retirees (Attachments: Exhibit A part 1; Exhibit A part 2; Exhibit A part 3; Exhibit A part 4; Exhibit A part 5; Exhibit B; Exhibit C; Exhibit D; Exhibit E)  |
| 34. | 1219 | 10/17/2013 | Supplemental Response filed by interested party State of Michigan (Attachments: Register of Actions; 13-734-CZ Summons and Complaint; 13-734-CZ Dillon Acknowledgement; 13-734-CZ Defendants' Response to Declaratory Judgment; 13-734-CZ Plaintiffs' Reply Brief; 13-734-CZ Temporary Restraining Order; 13-734-CZ Notice of Suggestion of Pendency; 13-734-CZ POS; 13-734-CZ Transcript 7-18-13 hearing; 13-734-CZ Transcript 7-19-13 hearing; 13-734-CZ Order MSD; 13-734-CZ Order Declaratory Judgment; 13-734-CZ Order Motion to Stay) |
| 35. | 1220 | 10/17/2013 | Exhibit filed by interested party   |

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|     |      |            | State of Michigan (Attachments: COA 317292 Claim of Appeal; COA 317292 Ltr to Clerk; COA 317292 Ltr regarding bankruptcy stay; COA 317292 Order)  |
| 36. | 1221 | 10/17/2013 | Exhibit filed by interested party State of Michigan (Attachments: COA 317286 check list; COA 317286 Motion to Stay; COA 317286 Motion for Stay; COA 317286 Ltr. To Clerk; COA 317286 Emergency App Part 1; COA 317286 Transcript 7-18-13 hearing; COA 317286 Transcript 7-19-13 hearing; COA 317286 Order dated 7-23-13; COA 317286 statement regarding appeal bankruptcy stay; COA 317286 Order dated 7-29-13) |
| 37. | 1222 | 10/17/2013 | Krystal A. Crittendon's Objections to the Petition Filed by One Kevyn D. Orr Seeking to Commence a Case Under Chapter 9 of Title 11 of the United States Code on Behalf of the City of Detroit, Michigan  |
| 38. | 1228 | 10/17/2013 | Supplemental Declaration of Michael Artz filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees  |

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| 39. | 1229 | 10/17/2013 | Brief (pretrial) in Opposition to Eligibility filed by interest parties Detroit Retired City Employees Association, Shirley V. Lightsey, Retired Detroit Police and Fire Fighters Association, Donald Taylor  |
| 40. | 1231 | 10/17/2013 | Retired Detroit Police Members Association's Pretrial Brief, Proposed Findings of Fact and Proposed Conclusions of Law (Attachments: Exhibit A; Exhibit B; Exhibit C)   |
| 41. | 1240 | 10/17/2013 | City of Detroit's Pre-Trial Brief (corrected) in (i) Support of Entry of an Order for Relief and (ii) Opposition to Objections Requiring the Resolution of Issues (Attachments: Exhibit A; Exhibit B; Exhibit C; Exhibit D; Exhibit E; Exhibit F; Exhibit G; Exhibit H; Exhibit I)      |
| 42. | 1245 | 10/18/2013 | List of Exhibits to Pre-Hearing Brief of the Detroit Retirement Systems in Support of Their Eligibility Objections Specifically Pursuant to Sections 109(c)(5) and 921(c) of the Bankruptcy Code (Attachments: Exhibit A; Exhibit B; Exhibit C – Part 1; Exhibit C – Part 2; Exhibit D) |

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| 43. | 1354 | 10/24/2013 | Amended Final Pre-Trial Order  |
| 44. | 1356 | 10/24/2013 | Amended Final Pre-Trial Order  |
| 45. | 1428 | 10/28/2013 | Addendum to Objections filed by creditors Hassan Aleem, Carl Williams  |
| 46. | 1458 | 10/30/2013 | Supplemental Brief filed by creditor David Sole (Attachments: Index of Exhibits; Exhibit 1; Exhibit 2)   |
| 47. | 1462 | 10/30/2013 | Supplemental Brief of the Retiree Association Parties on Eligibility   |
| 48. | 1471 | 10/30/2013 | Supplemental Brief in Support of Objection to Eligibility filed by creditor Retired Detroit Police Members Association   |
| 49. | 1474 | 10/30/2013 | Supplemental Brief Regarding Ripeness filed by Official Committee of Retirees  |
| 50. | 1480 | 10/31/2013 | Amendment to Objections filed by creditors Hassan Aleem, Carl Williams   |
| 51. | 1547 | 11/6/2013  | Supplemental Briefing on Eligibility filed by interested party State of Michigan (Attachments: Exhibit Index; Exhibit 1 – 11-16-2012 Order in COA #313297; Exhibit 2 – Board Order 2013-5) |
| 52. | 1560 | 11/6/2013  | Supplemental Brief in Support of Constitutionality of Chapter 9 filed  |

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|     |      |            | by interested party United States of America   |
| 53. | 1647 | 11/10/2013 | Second Amended Final Pre-Trial Order   |
| 54. | 1698 | 11/13/2013 | Brief Regarding "Good Faith Negotiations" filed by interested party State of Michigan  |
| 55. | 1707 | 11/13/2013 | Debtor's Memorandum Regarding Good Faith Under 11 U.S.C. Section 109(c)(5)(B), Labor Law, and 11 U.S.C. Sections 1113, 1114              |
| 56. | 1717 | 11/14/2013 | Memorandum Regarding Supplemental Authority filed by interested party State of Michigan (Exhibit 1 – Schimmel (12-2087) 11-8-2013 Order) |
| 57. | 1747 | 11/15/2013 | Supplemental Order Regarding Second Amended Final Pre-Trial Order  |

Respectfully submitted,

/s/Matthew Schneider

Matthew Schneider

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Michigan Department of

Attorney General

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